

REMARKS

Claims 12 and 22 are amended, no claims are canceled, and no claims are added; as a result, claims 1-24 are now pending in this application.

Information Disclosure Statement

Applicant respectfully requests that a copy of the 1449 Form, listing all references that were submitted with the Information Disclosure Statement mailed by Applicant's representatives on May 25, 2005, be returned with the next official communication and marked as being considered and initialed by the Examiner.

§102 Rejection of the Claims

Claims 1-5, 8, 10-13, and 17-24 appear to be rejected under 35 U.S.C. § 102 as being anticipated by Wise et al. (U.S. 5,884,262).

On page 2, under the heading "***Claims Rejections - 35 USC § 102***" the Office Action states,

Claims 1-5, 8, 10-13, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al (US Patent 5,884,262)."
(Emphasis added).

Because the statement of the rejection uses the phrase "103(a)" and because the statement of the rejection simply states "as being unpatentable over Wise et al.," it is unclear under what statutory basis this rejection is being made. Applicant has proceeded under the assumption that the rejection was intended to be made as a 35 U.S.C. § 102 rejection, while not admitting this to be so. Applicant requests clarification/correction of the status of this rejection, and respectfully reserves the right to respond to any correction/clarification regarding the status of and the statutory basis for this rejection.

Further, claim 9 is not specifically listed in the above quoted rejection. However, the Office Action on page 5 states a proposed rejection of claim 9 based on Wise et al. Therefore, Applicant assumes that claim 9 was inadvertently left out of the statement of the rejection based on Wise et al., and has proceeded under the assumption (while not admitting so) that claim 9 is

included in this same rejection. However, if this assumption is incorrect, Applicant respectfully requests clarification/correction regarding the status of claim 9, and the opportunity to respond to any clarifications or corrections made as to the status of claim 9.

Claims 1-5, 8-9, 10-13, and 17-24 are not anticipated by Wise et al. because Wise et al. fails to disclose each of the elements included in these claims.

Claims 1-5 and 8-11

Wise et al. fails to disclose each of the elements included in claims 1-5 and 8-11. For example, claim 1 recites,

a service sniffer to direct inputs to a plurality of portals based on the type of data received from a client device;
a command interpreter engine coupled to one or more of the plurality of portals to detect keywords in speech when the data received includes a compressed speech input.

In contrast, Wise et al. relates to a user calling a telephone to establish a connection with a target computer network, wherein Wise et al. at column 2, lines 5-17 states,

A user can call a designated telephone number and request information via DTMF signalling or through voice commands. The system analyzes the user's request, establishes a connection with a target computer network, and finds and retrieves the requested information in a standard document file format, such as HTML which is used on the World Wide Web. The document file is analyzed by the system, and depending on the different types of structures used in the file, information is translated from an audio/visual format to an audio format and played to the user via the telephone interface. Typically, the system will use a text-to-speech engine to convert the document to audio information.

However, there is no disclosure in Wise et al. that the data received includes a compressed speech input, as recited in claim 1. In an attempt to supply these elements, the Office Action on page 3 states, "as audio information from the user's telephone is formatted and placed in packets by speech IP or compressed audio segment (see col. 7, lines 46-47, col. 9, lines 47-52)." Applicant disagrees that either of the cited portions of Wise et al. disclose a command

interpreter engine coupled to one or more of the plurality of portals to detect keywords in speech when the data received includes a compressed speech input, as recited in claim 1.

With regards to the cited portion of Wise et al. in column 7, any reference to compression relates to compression of files retrieved from the network 15, and not compressed speech input received from the client device, as recited in claim 1. For example, Wise et al. at column 7, lines 7-13 states,

Once a single address is selected by the user, or if only one address is found by the Searcher, or if the file address is predetermined, the Parser passes the address to Browser 250 which establishes a connection to the appropriate server 18 through the network 15. Once the connection is established, the Browser 250 downloads the entire requested file and passes the file to the Parser 230. (Emphasis added).

The portion of Wise et al. cited in the Office Action from column 7, i.e. lines 46-47, thus relates to manipulation of the requested file passed to the parser 230, and not the date received from the client device. Wise et al. at column 7, lines 34-55, which includes the portion of Wise et al. cited in Office Action states,

For each file segment, the Parser 230 passes the structure type and the associated text or audio contents to the Call Manager 210, which routes it to the appropriate board to create an audio file to be played by audio file player 270. For example, a compressed text segment may be sent from Parser 230 through Call Manager 210 to a text file decompressor 261 and a text-to-speech convertor 260 for translation into an audio file. The audio file would then be routed through Call Manager 210 to audio file player 270. In another example, a list would be sent to a board that would create an audio menu, and the menu would be transmitted through the Call Manager 210 to the audio file player 270 for speaking to the user. Or a compressed audio or audio/video segment could be sent to an audio file decompressor 262 to create a decompressed audio file that would be sent to the audio file player. Of course, uncompressed audio could be sent straight to the audio file player. Other methods of routing and transforming files and file segments into an audio format may be used. For example, a text-to-speech convertor output could be bridged directly to a telephone line instead of creating an audio file for playing by the audio file player.

Thus, the portion of Wise et al. from column 7 cited in the Office Action relates to file segments, but fails to disclose the elements included in claim 1, as quoted above. Further, the additional portion of Wise et al. cited in the Office Action at column 9, lines 47-52 states,

Audio information from user's telephone 10 is properly formatted and placed in packets by speech IP 340 for transmission across network 15. Server IP 450 receives the packets of audio information from network 15, and ISCP 420 in conjunction with speech IP 440 decodes the packets to establish a long distance telephone call to telephone 40.

Formatting into packets for transmission across a network fails to describe a command interpreter engine coupled to one or more of the plurality of portals to detect keywords in speech when the data received includes a compressed speech input, as described in claim 1.

For at least the reasons stated above, Wise et al. fails to disclose every element recited in claim 1. Therefore, the 35 U.S.C. § 102 rejection of claim 1 cannot stand.

Claims 2-5 and 8-11 depend from claim 1, and so include all of the elements recited in claim 1. For at least the reasons stated above and additional elements recited in claims 2-5 and 8-11, the 35 U.S.C. § 102 rejection of claims 2-5 and 8-11 cannot stand.

Applicant respectfully request withdrawal of the rejection of claims 1-5 and 8-11, and reconsideration and allowance of claims 1-5 and 8-11.

Claims 12-13 and 17-24

Wise et al. fails to disclose all of the elements included in claims 12-13 and 17-24. For example, claims 12 and 22 as now amended recite, "receiving a description of a client device's capabilities and a user input including data from the client device." (Emphasis added) In contrast, Wise et al. at column 2, lines 5-17 states,

A user can call a designated telephone number and request information via DTMF signalling [sic] or through voice commands. The system analyzes the user's request, establishes a connection with a target computer network, and finds and retrieves the requested information in a standard document file format, such as HTML which is used on the World Wide Web. The document file is analyzed by the system, and depending on the different types of structures used in the file, information is translated from an audio/visual format to an audio format and played to the user via the telephone interface. Typically, the system will use a text-to-speech engine to convert the document to audio information.

However, there is no disclosure in Wise et al. of receiving a description of a client device's capabilities and a user input including data from the client device, as recited in amended claims 12 and 22. For at least the reasons stated above, Wise et al. fails to disclose every element recited in claims 12 and 22. Therefore, the 35 U.S.C. § 102 rejection of claims 12 and 22 cannot stand.

Claims 13 and 17-21 depend from claim 12, and so include all of the elements recited in claim 12. Claims 23 and 24 depend from claim 22, and so include all of the elements recited in claim 22. For at least the reasons stated above with respect to claims 12 and 22, and additional elements recited in claims 13, 17-21, and 23-24, the 35 U.S.C. § 102 rejection of claims 13, 17-21, and 23-24 cannot stand.

Applicant respectfully request withdrawal of the 35 U.S.C. § 102 rejection of claims 12-13 and 17-24, and reconsideration and allowance of claims 12-13 and 17-24.

§103 Rejection of the Claims

Claims 6-7

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) as applied to claim 1 above, and further in view of Jimenez et al. (U.S. Patent Application No. 2002/0006124 A1).

The proposed combination of Wise et al. and Jimenez et al. fails to teach or suggest each of the elements included in claims 6-7.

Claims 6-7 depend from claim 1, and so include all of the elements recited in claim 1. Applicant believes they have established that Wise et al. does not anticipate claim 1. Further, Applicant's representatives fail to find in, and the Office Action fails to point out where the additional reference of Jimenez et al. discloses the elements included in claims 6-7 and missing from Wise et al. Thus, the proposed combination of Wise et al. and Jimenez et al. fails to teach or suggest each of the elements recited in claims 6-7.

For at least the reasons stated above, the 35 U.S.C. § 103(a) rejection of claims 6-7 cannot stand. Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6-7, and reconsideration and allowance of claims 6-7.

Claim 14

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) as applied to claim 12 above, and further in view of Aarnio et al. (U.S. 6,801,793 B1).

The proposed combination of Wise et al. and Aarnio et al. fails to teach or suggest each of the elements included in claim 14.

Claim 14 depends from claim 12, and so includes all of the elements recited in claim 12. Applicant believes they have established that Wise et al. does not anticipate claim 12. Further, Applicant's representatives fail to find in, and the Office Action fails to point out where the additional reference of Aarnio et al. discloses the elements included in claim 14 and missing from Wise et al. Thus, the proposed combination of Wise et al. and Aarnio et al. fails to teach or suggest each of the elements recited in claim 14.

For at least the reasons stated above, the 35 U.S.C. § 103(a) rejection of claim 14 cannot stand. Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection of claim 14, and reconsideration and allowance of claim 14.

Claims 15-16

Claims 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) as applied to claim 12 above, and further in view of Balog et al. (U.S. Patent Application 2002/0022453 A1).

The proposed combination of Wise et al. and Balog et al. fails to teach or suggest each of the elements included in claims 15-16.

Claims 15-16 depend from claim 12, and so include all of the elements recited in claim 12. Applicant believes they have established that Wise et al. does not anticipate claim 12.

Further, Applicant's representatives fail to find in, and the Office Action fails to point out where the additional reference of Balog et al. discloses the elements included in claims 15-16 and missing from Wise et al. Thus, the proposed combination of Wise et al. and Balog et al. fails to teach or suggest each of the elements recited in claims 15-16.

For at least the reasons stated above, the 35 U.S.C. § 103(a) rejection of claims 15-16 cannot stand. Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejection of claims 15-16, and reconsideration and allowance of claims 15-16.

Reservation of Rights

Applicant does not admit that references cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserves the right to swear behind them at a later date. Arguments presented to distinguish such references should not be construed as admissions that the references are prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of February, 2006.

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